

ST/Functions

Personnel actions

# Code of federal regulations

~~X5127~~  
**Judicial Administration**

X-5

2-1

**28**

Revised as of July 1, 1987



**Department of Justice****§ 0.137**

thority and responsibility for the reallocation of such funds and control of obligations and expenditures within reallocations.

(c) Perform such special assignments as may from time to time be made to him by the Attorney General.

(d) Except as otherwise provided in this chapter, receive submittals and requests relative to the functions of his organizational unit.

[Order No. 423-69, 34 FR 20388, Dec. 31, 1969, as amended by Order No. 445-70, 35 FR 19397, Dec. 23, 1970; Order No. 960-81, 46 FR 52349, Oct. 27, 1981]

**§ 0.131 Designation of Acting United States Attorneys.**

Each U.S. Attorney is authorized to designate any Assistant U.S. Attorney in his office to perform the functions and duties of the U.S. Attorney during his absence from office, or with respect to any matter from which he has recused himself, and to sign all necessary documents and papers, including indictments, as Acting U.S. Attorney while performing such functions and duties.

[Order No. 840-79, 44 FR 43468, July 25, 1979]

**§ 0.132 Designating officials to perform the functions and duties of certain offices in case of absence, disability or vacancy.**

(a) In case of vacancy in the office of Attorney General, or of his absence or disability, the Deputy Attorney General shall, pursuant to 28 U.S.C. 508(a) perform the functions and duties of and act as Attorney General. When by reason of absence, disability, or vacancy in office, neither the Attorney General nor the Deputy Attorney General is available to exercise the duties of the office of Attorney General, the Associate Attorney General shall, pursuant to 28 U.S.C. 508(b), perform the functions and duties of and act as Attorney General. In the event of vacancy, absence, or disability in each of these offices, the Solicitor General shall perform the functions and duties of and act as Attorney General.

(b) In the event of a vacancy in the office of the Deputy Attorney General, the Attorney General may designate another official of the Department

to perform the functions and duties of and act as Deputy Attorney General.

(c) In the event of a vacancy in the office of Associate Attorney General, a Deputy Associate Attorney General designated by the Attorney General shall perform the functions and duties of and act as Associate Attorney General.

(d) In the event of a vacancy in the office of head of any other organizational unit, the ranking deputy (or an equivalent official) in such unit who is available shall perform the functions and duties of and act as such head, unless the Attorney General shall direct otherwise. Except as otherwise provided by law, if there is no ranking deputy available, the Attorney General shall designate another official of the Department to perform the functions and duties of and act as such head.

(e) The head of each organizational unit of the Department is authorized, in case of absence from office or disability, to designate the ranking deputy (or an equivalent official) in the unit who is available to act as head. If there is no deputy available to act, any other official in such unit may be designated. Alternatively, in his discretion, the Attorney General may designate any official in the Department to act as head of a unit whose head is absent or disabled.

[Order No. 755-77, 42 FR 59384, Nov. 17, 1977, as amended by Order No. 1043-84, 49 FR 4469, Feb. 7, 1984; Order No. 1097-85, 50 FR 25708, June 21, 1985]

**Subpart X—Authorizations With Respect to Personnel and Certain Administrative Matters****§ 0.137 Federal Bureau of Investigation.**

Except as to persons in the positions of Associate Director, Assistant to the Director, Executive Assistant Director, and Assistant Director of the Federal Bureau of Investigation, the Director of the Federal Bureau of Investigation is authorized to exercise the power and authority vested in the Attorney General by law to take final action in matters pertaining to the employment, direction, and general adminis-

*Personnel Actions***§ 0.138**

tration (including appointment, assignment, training, promotion, demotion, compensation, leave, classification, and separation) of personnel, including personnel in wage board positions in the Federal Bureau of Investigation. All personnel actions taken under this section shall be subject to postaudit and correction by the Assistant Attorney General for Administration.

[Order No. 960-81, 46 FR 52350, Oct. 27, 1981]

**§ 0.138 Bureau of Prisons, Federal Prison Industries, Immigration and Naturalization Service, Drug Enforcement Administration, United States Marshals Service, Executive Office for U.S. Attorneys.**

The Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Administrator of the Drug Enforcement Administration, the Director of the U.S. Marshals Service, and the Director of the Executive Office for U.S. Attorneys are, as to their respective jurisdictions, authorized to exercise the power and authority vested in the Attorney General by law to take final action in matters pertaining to the employment, direction, and general administration (including appointment, assignment, training, promotion, demotion, compensation, leave, classification, and separation) of personnel in General Schedule grades GS-1 through GS-15 and in wage board positions, but excluding therefrom all attorney and U.S. Marshal positions. Such officials are, as to their respective jurisdictions, authorized to exercise the power and authority vested in the Attorney General by law to employ on a temporary basis experts or consultants or organizations thereof, including stenographic reporting services (5 U.S.C. 3109(b)). All personnel actions taken under this section shall be subject to postaudit and correction by the Assistant Attorney General for Administration.

[Order No. 893-80, 45 FR 34268, May 22, 1980, as amended by Order No. 960-81, 46 FR 52350, Oct. 27, 1981]

**28 CFR Ch. I (7-1-87 Edition)**

**§ 0.139 [Reserved]**

**§ 0.140 Authority relating to advertisements, and purchase of certain supplies and services.**

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Administrator of the Drug Enforcement Administration, the Director of the Office of Justice Research and Statistics and the Director of the United States Marshals Service as to their respective jurisdictions, and the Assistant Attorney General for Administration, as to all other organizational units of the Department (including U.S. Attorneys), are authorized to exercise the power and authority vested in the Attorney General by law to take final action in the following-described matters:

(a) Authorizing the publication of advertisements, notices, or proposals under (44 U.S.C. 3702).

(b) Making determinations as to the acquisition of articles, materials, or supplies in accordance with sections 2 and 3 of the Buy American Act (47 Stat. 1520; 41 U.S.C. 10a, 10b).

(c) Placing orders with other agencies of the Government for materials or services, and accepting orders therefor, in accordance with section 686 of title 31 of the U.S. Code.

[Order No. 423-69, 34 FR 20388, Dec. 31, 1969, as amended by Order No. 516-73, 38 FR 12918, May 17, 1973; Order No. 520-73, 38 FR 18380, July 10, 1973; Order No. 960-81, 46 FR 52350, Oct. 27, 1981]

**§ 0.141 Audit and ledger accounts.**

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Immigration and Naturalization, the Administrator of the Drug Enforcement Administration, and the Director of the Office of Justice Assistance, Research and Statistics are, as to their respective jurisdictions, authorized to audit vouchers and to maintain general ledger accounts with respect to appropriations allotted to them.

[Order No. 423-69, 34 FR 20388, Dec. 31, 1969, as amended by Order No. 520-73, 38

PART I

SECTION 0. AUTHORITY OF THE DIRECTOR

0-1 AUTHORITY OF THE DIRECTOR

Administrative controls, such as the establishment of Manuals, derive their authority from the fact (1) that such controls aid in management of investigative and administrative matters delegated by the Attorney General to the Director of the FBI under Title 28, Code of Federal Regulations, Section 0.85(a); and (2) that by Title 28, Code of Federal Regulations, Section 0.137, the Attorney General has delegated to the Director of the FBI the power to take final action with regard to, inter alia, direction, general administration, and training of personnel in the FBI.

0-2 TITLE 28, CODE OF FEDERAL REGULATIONS, SECTION 0.137

"Except as to persons in the positions of Associate Director, [Assistant to the Director, [Executive Assistant Director,] and the Assistant Director of the Federal Bureau of Investigation, the Director of the Federal Bureau of Investigation is authorized to exercise the power and authority vested in the Attorney General by law to take final action in matters pertaining to the employment, direction, and general administration (including appointment, assignment, training, promotion, demotion, compensation, leave, classification, and separation) of personnel, including personnel in wage board positions, in the Federal Bureau of Investigation. All personnel actions taken under this section shall be subject to postaudit and correction by the Assistant Attorney General for Administration."